

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

NICHOLAS COSTELLO,

Plaintiff,

vs.

NEBRASKA DEPARTMENT OF
CORRECTIONS, ERICA ADEYEMI, Official
capacity; ROB JEFFREYS, Official capacity;
and JOSEPH NESAIEF, Official capacity;

Defendants.

8:24CV100

MEMORANDUM AND ORDER

On March 18, 2024, Plaintiff Nicholas Costello filed an unsigned Motion for Leave to Proceed in Forma Pauperis (“IFP”). [Filing No. 2](#). Also on March 18, 2024, the Clerk of Court advised Plaintiff that his IFP Motion was unsigned and therefore deficient. The Clerk of Court directed Plaintiff to “correct the deficiency” (i.e., file a signed IFP Motion) within 14 days, or the pleading “may be stricken from the record of this case.” [Filing No. 3](#) (text notice of deficiency). Plaintiff has failed to follow the Clerk of Court’s directions.

Accordingly, the Court shall order Plaintiff to file a signed IFP Motion that complies with [Federal Rule of Civil Procedure 11](#) and the Court’s Local Rules. This matter cannot proceed until the foregoing deficiency is corrected. FAILURE TO CORRECT THE DEFECT WITHIN 30 DAYS WILL RESULT IN DISMISSAL OF THE COMPLAINT WITHOUT FURTHER NOTICE.

IT IS THEREFORE ORDERED that:

1. Plaintiff is directed to correct the above-listed technical defect on or before **August 14, 2024**. Failure to comply with this Memorandum and Order will result in dismissal of this matter without prejudice and without further notice.

2. The Clerk of Court is directed to send to Plaintiff a copy of his IFP Motion, [Filing No. 2](#).

3. The Clerk of Court is directed to set a pro se case management deadline in this matter with the following text: **August 14, 2024**: deadline to submit signed IFP Motion.

4. No further review of this case shall take place until Plaintiff complies with this Memorandum and Order.

Dated this 15th day of July, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon". The signature is stylized with a large initial "J" and a cursive "F".

Joseph F. Bataillon
Senior United States District Judge